



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, APRIL 19, 2016
7:30 P.M.**

The Meeting was called to order at 7:30 p.m. by Mayor Ackley.

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Pro Tem Ambrose

ROLL CALL: Mayor Ackley, Mayor Pro Tem Ambrose, Council Member Helke, Council Member Loch, Council Member Lublin, Council Member Owsinek, Council Member Robertson

ABSENT: None

There being a quorum present, the meeting was declared in session.

OTHERS PRESENT: City Manager Whitt, Assistant City Manager Rodgers, Police Chief Shakinias, Fire Chief Coomer, Finance Director Coogan, City Attorney Vanerian, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES:

Mayor Ackley said at the request of the City Manager she is adding an agenda item after approval of minutes.

APPROVAL OF MINUTES:

CM 04-01-16 APPROVAL OF THE MARCH 15, 2016 REGULAR COUNCIL MINUTES

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the March 15, 2016 Regular Council Minutes.

City Manager Whitt said he would like to add a resolution to the agenda, Proposed Resolution 2016-xx Confirming the City Manager's Appointment of City Clerk Jennifer A. Stuart.

Resolution read into record by Assistant City Manager/Deputy Clerk Rodgers.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE

A RESOLUTION CONFIRMING THE CITY MANAGER'S
APPOINTMENT OF JENNIFER A. STUART TO THE OFFICE

OF CITY CLERK; PROVIDING FOR THE EXERCISE OF
POWERS AND AUTHORITIES OF THE CITY CLERK

Proposed RESOLUTION 2016-xx

At a regular meeting of the City Council of the City of Walled Lake, Oakland County, Michigan, held in the Council Chambers at 1499 E. West Maple, Walled Lake, Michigan 48390, on the 19th day of April, 2016, at 7:30 p.m.

WHEREAS, pursuant to Section 4.6 of the City Charter the City Clerk is an administrative officer of the city and is part of the administrative service of the city under the supervision and direction of the City Manager; and

WHEREAS, pursuant to Section 2-41 of the City Code of Ordinances, the council combined the administrative offices of City Clerk and City Manager; and

WHEREAS, pursuant to Section 2-41 of the City Code of Ordinances the City Manager serves as the *ex officio* City Clerk but with consent of council, the Manager may appoint a City Clerk; and

WHEREAS, Deputy Clerk Jennifer A. Stuart recently completed the education and certification with the Michigan Municipal Clerks Institute and has been designated as Certified Michigan Municipal Clerk; and

WHEREAS, the City Manager has appointed a City Clerk and has requested confirmation of the appointment pursuant to Section 2-41 of the City Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Walled Lake, County of Oakland, State of Michigan that:

Section 1. The appointment of JENNIFER A. STUART, as City Clerk is hereby confirmed.

Section 2. The City Clerk appointed herein shall be under the supervision and direction of the City Manager and shall exercise only such powers and authorities as may be authorized by the City Manager.

Section 3. The City Manager shall have the power to discharge the City Clerk as an administrative officer without confirmation by the Council pursuant to the City Charter and Code of Ordinances.

Motion to approve Resolution was offered by _____ and seconded by _____.

AYES: ()

NAYS: ()

ABSENT: ()

ABSTENTIONS: ()

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

L. DENNIS WHITT
City Manager/City Clerk

LINDA S. ACKLEY
Mayor

**CM 04-02-16 MOTION TO APPROVE RESOLUTION 2016-14 CONFIRMING
APPOINTMENT OF CITY CLERK JENNIFER A. STUART**

Motion by Robertson, seconded by Helke, CARRIED UNANIMOUSLY: To approve Resolution 2016-14 Confirming Appointment of City Clerk Jennifer A. Stuart.

Oath of Office administered to City Clerk Jennifer A. Stuart by Assistant City Manager/Deputy Clerk Rodgers.

AUDIENCE PARTICIPATION: None

COUNCIL CONSIDERATION:

1. Oath of Office administered to Police Officer David Gubry

Ceremonial Oath of Office administered by Clerk Stuart.

2. Oath of Office administered to Police Reserve Officer Cameron Hamaker

Ceremonial Oath of Office administered by Clerk Stuart.

3. Planning Commission Lot Split Recommendation – 204 Osprey

Ms. Rodgers said the applicant went before the Planning Commission last week and the lot split request was approved. She said it is the recommendation from the Planning Commission for approval as this proposal meets all requirements Section 74.10 of City Code of Ordinances and it will result in bringing Lot 80 into compliance with the Walled Lake Zoning Ordinance.

CM 04-03-16 MOTION TO APPROVE 204 OSPREY LOT SPLIT REQUEST

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve 204 Osprey lot split request.

MAYOR'S REPORT

1. Western Oakland County Cable Communication Authority (WOCCCA)

Mayor Ackley introduced members of the WOCCCA Board, Ms. Judy Evola, and Mr. Tom Zoner. They provided Council a brief history and a report of the board. Mr. Zoner said he is the President of the Authority. He said they were here to provide general information about WOCCCA. He said they are working with existing groups within the authority. He said Ms. Evola will explain the disbursement of the Public Education and Government (PEG) funds, priorities and needs of students.

Ms. Evola thanked the City Council and City Manager for having them on agenda. She said the WOCCCA board is a collaborative municipality entity that is a model. She said it has been in existence since 1983. She said the WOCCCA municipalities' pool their cable funding together. She said the funds are used to equip the Walled Lake Schools television studio and Huron Valley television studio. She said the equipment that is purchased with the PEG funds is not permanently mounted as to ensure that it is available for public use. She said WOCCCA collaborated with several municipalities. She said without WOCCCA the schools would not have the state of the art equipment for the students. She said many of the workers are students of the Walled Lake Consolidated School District. She thanked council for their continued support of the WOCCCA board.

Mr. Zoner said funding has to be funded in two different ways, one is PEG money that is received and disbursed and the other is the money that is used for administration. He said none of the municipalities that are in the organization ever had to make any kind of contribution to WOCCCA authority. He said this money was funded by the Cable franchise companies when they first began. He said the State has now taken over the authorities and the franchise agreements. He said they are going to do what the WOCCCA authority was doing before. He said now the authority reviews the priority list the master plan lists and assists in determining how to best use and disperse the funding. He said the PEG money is approximately \$150,000 a year that is received and disbursed.

Council Member Lublin asked if the PEG funding was from the cable companies it is not tax dollars. Mr. Zoner said yes.

COUNCIL REPORT:

1. Report from Trailway Council Representative - Council Member Owsinek

- Michigan Department of Transportation Trust Fund Memorandum**

Council Member Owsinek, liaison for trailway said he has a Memorandum Agreement between Wixom, Commerce, and Walled Lake regarding disbursement and use of funds from Michigan Department of Transportation (MDOT). He said Council needs to approve the Memorandum Agreement provided in tonight's council packet. He said he and the Mayor would sign the agreement and return to Trailway Council. He said this agreement already went before the Wixom Council as well as Commerce Township. He said this agreement will further the completion of the purchase of the trailway.

**CM 04-04-16 MOTION TO AUTHORIZE TRAILWAY REPRESENTATIVE
OWSINEK AND MAYOR ACKLEY TO SIGN THE
MEMORANDUM AGREEMENT AS PRESENTED AT
TONIGHT'S MEETING TO FURTHER COMPLETE THE
PURCHASE OF THE TRAILWAY**

Motion by Ambrose, seconded by Lublin, CARRIED UNANIMOUSLY: To authorize Trailway Representative Owsinek and Mayor Ackley to sign the Memorandum Agreement as presented at tonight's meeting to further complete the purchase of the trailway.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police**
- b. Fire**
- c. Code Enforcement**
- d. Finance**
 - **Warrant Report #4-2016**

**CM 04-05-16 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL /
DIVISIONAL STATISTICAL REPORTS**

Motion by Robertson, seconded by Loch, CARRIED UNANIMOUSLY: To receive and file the monthly departmental / divisional statistical reports.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

- 1. Executive Session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et al v. Walled Lake: Case No. 2:15-cv-12125-LJM-RSW**

**CM 04-06-16 REQUEST FOR EXECUTIVE SESSION TO DISCUSS PENDING
FEDERAL LITIGATION: BAILEY XENOS HOLDINGS, LLC ET
AL V. WALLED LAKE: CASE NO. 2:15-CV-12125-LJM-RSW**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et al v. Walled Lake: Case No. 2:15-cv-12125-LJM-RSW.

Roll Call Vote:

Yes: (7) Ambrose, Helke, Loch, Lublin, Owsinek, Robertson, Ackley
No: (0)
Absent: (0)
Abstain: (0)

(7-0) CARRIED UNANIMOUSLY

2. Executive Session to update pending personnel issue

**CM 04-07-16 REQUEST FOR EXECUTIVE SESSION TO UPDATE ON
PENDING PERSONNEL ISSUE**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to update on pending personnel issue.

Roll Call Vote:

Yes: (7) Helke, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
No: (0)
Absent: (0)
Abstain: (0)

(7-0) CARRIED UNANIMOUSLY

3. Executive Session to discuss labor negotiations

**CM 04-08-16 REQUEST FOR EXECUTIVE SESSION TO DISCUSS
LABOR NEGOTIATIONS**

Motion by Lublin, seconded by Helke, CARRIED UNANIMOUSLY: To enter into executive session to discuss labor negotiations.

Roll Call Vote:

Yes: (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Helke, Ackley
No: (0)
Absent: (0)
Abstain: (0)

(7-0) CARRIED UNANIMOUSLY

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Proposed Resolution 2016-15 Oakland County Equalization Agreement

**CM 04-09-16 Approve Resolution 2016-15 Oakland County Equalization
Agreement**

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-15 Oakland County Equalization Agreement.

2. Proposed Resolution 2016-16 Defer Special Meeting

CM 04-10-16 Approve Resolution 2016-16 Defer Special Meeting

Motion by Robertson, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-16 Defer Special Meeting.

3. First Reading C-324-16 Consumer's Energy Franchise Agreement

City Attorney Vanerian said this franchise agreement provides natural gas services to the City. He said Consumer's Energy is currently operating under a 30 year franchise which will expire May 30, 2016. He said they have requested renewal of the agreement. He said the City adopted a gas and utility ordinance in 2000. He said he has reviewed what Consumer's Energy submitted and he updated the ordinance to meet the City requirements. He said he had received calls from Consumers Energy because their attorney has not had the opportunity to review it. He said he does not feel it has to be delayed, if there are changes their attorney wishes to make it can be done and council may still proceed with first reading.

CM 04-11-16 First Reading C-324-16 Consumer's Energy Franchise Agreement

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve First Reading C-324-16 Consumer's Energy Franchise Agreement.

AUDIENCE PARTICIPATION: None

COUNCIL COMMENTS:

Council Member Loch thanked everyone for attending the Easter Egg Hunt. She said the interaction between the kids participating and the Police officers working were really nice.

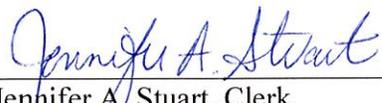
Council Member Ambrose congratulated Ms. Stuart on her appointment as City Clerk.

Council recessed 8:20 p.m.

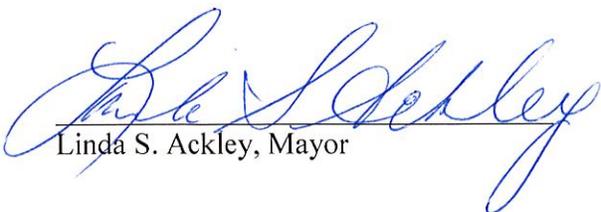
Council entered into executive session at 8:32 p.m.

Council rose from executive session at 9:25 p.m.

Meeting adjourned at 9:25 p.m.



Jennifer A. Stuart, Clerk



Linda S. Ackley, Mayor